# **NATIONAL FEDERATION OF THE BLIND JERNIGAN INSTITUTE**

# **A GUIDE FOR BLIND AND LOW VISION VOTERS**

The Help America Vote Act

The Help America Vote Act (HAVA) was signed into law on October 29, 2002 to address the problems that occurred during the 2000 presidential election. One of the goals of HAVA is to provide all American voters, including those who are blind or low vision, with the opportunity to vote both privately and independently. Therefore, HAVA requires that by January 1, 2006, all voting jurisdictions must provide at least one accessible voting machine per polling place and that any voting machines purchased with federal funds provided under HAVA on or after January 1, 2007, must be accessible.

Your Right to Vote Privately and Independently

Prior to the passage of the Help America Vote Act (HAVA) in 2002, voters who were blind or low vision had to rely on sighted assistance to mark their ballot. HAVA has enabled voters with disabilities to fully exercise the fundamental right to vote privately and independently by requiring that every polling place have at least one accessible voting system for all federal elections. In addition, many states have enacted legislation to require at least one accessible voting system in each polling place for all state and local elections.

In recent cases involving the right of voters with print disabilities to mark a paper absentee ballot privately and independently, federal courts have found that Title II of the Americans with Disabilities Act (ADA) requires that voters with disabilities must be provided an opportunity to exercise their right to vote that is equal to the opportunity provided voters without disabilities. This means that blind, low vision, and other voters with print disabilities must be able to mark their absentee ballot privately and independently at home as voters without disabilities are able to do.

Why Blind Americans Should Vote

“Our American heritage is threatened as much by our own indifference as it is by the most unscrupulous office or by the most powerful foreign threat. The future of this republic is in the hands of the American voter." President Dwight D. Eisenhower.

The right of blind Americans to vote is guaranteed by the United States Constitution. It is a right that many American citizens have demonstrated for, fought for, and died for so that present and future generations can continue to exercise their right to vote. Therefore, every blind or low vision citizen who is of voting age has a responsibility to exercise the right to vote.

Voting in any election, local or national, provides blind and low vision citizens with the opportunity to voice their opinion about elected leaders and policies and to help shape the future by electing candidates who share their views. Elected officials make decisions and pass legislation that establish the maximum income a blind person can earn while still receiving social security disability benefits, the health benefits blind citizens receive under Medicare and Medicaid, and have the power to eliminate sub minimum wages for workers with disabilities. Consequently, voting for candidates who share their views on these issues is one of the most effective ways that blind and low vision citizens can influence policy and legislation addressing these issues.

When a citizen does not vote, they are giving away their right to influence our government and, as a result, government by the will of the majority is replaced with government by the will of the minority. During the presidential elections of 2012 and 2016, 58 percent and 60 percent, respectively, of voting age Americans cast ballots. However, during the midterm elections of 2010 and 2014, only 41 percent and 36 percent, respectively, of the voting age population voted. The 2014 midterm elections saw the lowest voter engagement since World War II. It is vital that blind and low vision Americans of voting age exercise their right to vote so that government by the will of the majority is assured.

How Does a Blind Person Vote?

Blind and low vision voters may cast their ballot at their local polling place on Election Day, by voting at an early voting center, or completing an absentee ballot prior to Election Day. Most of the accessible voting systems in use today at the polling place or early voting center use a touch screen where voters can view the ballot and make selections. They also include an audio ballot, as well as large print and other low vision features to enable blind and low vision voters to vote privately and independently. These systems are designed to be easy to use, so no need to worry if you are not a techie!

The speech of the audio ballot may be either synthesized or a recorded human voice. Headphones are connected to the voting system so that only the voter can hear the ballot. A control box with buttons or a telephone style keypad is used by the voter to go through the ballot contests and make selections, as well as to increase or decrease the speed and volume of the audio. Instructions at the beginning of the ballot tell you what buttons to push to move through the ballot and make selections. Voters with low vision can enlarge the print displayed on the touch screen and change the contrast to make the print easier to read. Voters with low vision make their selections simply by touching the screen.

A number of states have switched from a system based on voting at a local polling place to a vote by mail system. In a vote by mail system, a paper ballot is mailed to the voter, who marks the ballot by hand, and then mails it back to the local board of elections. States who use a vote by mail system must still comply with HAVA and Title II of the ADA, and provide an accessible ballot marking system for all elections that enables blind and low vision voters to mark their ballot privately and independently using their own access technology.

Before Election Day arrives, it is always a good idea to take an opportunity to practice voting, particularly if you are a first-time or new voter. Invite a representative from your local board of elections to a meeting of your local NFB chapter or to your school to demonstrate the accessible voting machine and allow voters to practice voting. This way, when Election Day arrives, you will be able to concentrate on making your selections without being distracted by trying to figure out how to operate the voting system.

Another way that blind and low vision citizens can vote is with an absentee ballot. In general, state election law permits blind and low vision voters to vote in any election by absentee ballot. However, voting by absentee ballot typically involves a paper ballot and telling your choices to a sighted assistant who marks the ballot for you. Consequently, voting by absentee ballot is usually neither a private nor an independent way to vote for many blind and low vision voters.

Some states are starting to make electronic ballot delivery and marking systems available to voters with disabilities so they can mark their absentee ballot or vote by mail ballot privately and independently. When designed in accordance with the Web Content Accessibility Guidelines (WCAG) 2.0 level AA, these systems allow voters with disabilities to access and mark their ballot using their own computer and access technology. Once the ballot has been marked, it typically is printed and mailed to the local board of elections to be counted. Check with your state or local board of elections to find out if an electronic ballot delivery and marking system is available to voters with disabilities in your state.

A survey conducted by the National Federation of the Blind Jernigan Institute following the November 8, 2016 presidential election indicates that blind voters are exercising their right to cast a private and independent ballot. Out of 399 survey participants, 86 percent indicated being able to cast their vote at the polls, 9 percent indicated being able to cast their vote through an absentee ballot, and 2 percent indicated being in a vote-by-mail state.

Register to Vote

In order to exercise the right to vote, a blind or low vision citizen must first register with their state or district board of elections. To register, an individual must:

* Be a United States citizen
* A resident of the state or district in which they are registering, and
* At least eighteen years old

Many states have additional requirements that must also be met. Registration forms can be obtained from your state, district, or local board of elections, libraries, government offices, and on the internet at https://www.eac.gov/voters/register-and-vote-in-your-state/. Registering only takes a few minutes, so be sure to exercise your right and responsibility as a citizen by registering to vote and voting!

Resources

Your state, district, or local board of elections has voter registration forms and information about polling place locations and times, identification requirements, voting procedures, and voting machines. A nonpartisan organization, such as the League of Women Voters, can provide factual information about candidates and tips on how to be politically effective. If a properly functioning accessible voting machine is not available at your polling place for a federal election, file a complaint with your state board of elections.

Make Your Voice Heard

The United States Constitution guarantees the right of all blind and low vision citizens to vote and the exercise of this right is vital to the function of our democratic form of government. With the passage of HAVA and the ADA, it is now possible for blind and low vision citizens to exercise their right to vote both privately and independently. Making your voice heard through voting is imperative because state and federal elected officials implement policies and pass legislation that directly affect our lives as blind or low vision people. Make your voice heard - register to vote and exercise your right and responsibility to vote!



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